



## Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A)

9 St. Mary's Court 725 24th Street, NW Washington, DC 20037 (202) 736-1775

November 10, 2006

Carol Mitten, Chairperson  
Zoning Commission of the District of Columbia  
441 4th Street NW, Suite 210 South  
Washington, DC 20001  
Deliver via Facsimile: (202) 727-6072

2006 NOV 13 PM 12:30  
RECEIVED  
D.C. OFFICE OF ZONING

RE: Zoning Commission Case #06-27 for Consolidated Approval of a Planned Unit Development (PUD) and a PUD-Related Map Amendment for Square 54 by George Washington University, KSI Services, Inc., and Boston Properties, Inc.

Dear Chairperson Mitten:

At its regularly scheduled meeting on November 9, 2006, the Foggy Bottom and West End Advisory Neighborhood Commission (Commission or ANC 2A) considered Zoning Commission Case #06-27 for consolidated approval of a Planned Unit Development and a PUD-related amendment to the zoning map of the District of Columbia for Square 54 by The George Washington University (GWU or University), KSI Services, Inc., and Boston Properties, Inc. With five of five commissioners in attendance, a quorum at a duly called public meeting, the following motion was approved:

The Foggy Bottom and West End Advisory Neighborhood Commission opposes Zoning Commission Case #06-27 for consolidated approval of a Planned Unit Development and a PUD-related amendment to the zoning map of the District of Columbia.

The Commission's grounds for protest are noted below. We incorporate by reference our letters to you of August 24, 2006, relating to Cases 06-11 and 06-12, and October 20, 2006, relating to Case 06-17.

1. This application is defective because it presents a partial plan for a university campus within a residentially-zoned area, in violation of 11 DCMR Section 210.4, which requires that a university submit "a plan for developing the campus as a whole..." This requirement is essential in order to insure that aggregate and cumulative impacts are considered together and are not likely to become objectionable under Section 210.2, and to insure that the aggregate Floor Area Ratio (FAR) as limited by Section 210.3 is not exceeded. This application is one of a series of applications that, taken together, portend massive impacts on the neighboring residential neighborhoods, for the reasons set out below, and could not be allowed if the standards of Section 210 were honored. The overall effect of the three sets of related applications would be to add two million square feet of massing in excess of that allowed under Section 210. The use of PUDs in a manner which evades the standards of Section 210 eviscerates the only accepted and predictable standards which protect residential neighborhoods against impacts from

ZONING COMMISSION  
District of Columbia

CASE NO. 06-27  
EXHIBIT NO. 25  
ZONING COMMISSION  
District of Columbia  
CASE NO. 06-27  
EXHIBIT NO. 25

## ZC 06-27, Consolidated Approval of a PUD and a PUD-Related Amendment Page 2

university uses, and violates Section 2400.4, which prohibits the use of the PUD process to circumvent the intent and purposes of the Zoning Regulations. Acceptance of the applicant's argument for this use of the PUD process would destroy, not just the protections and predictability of Section 210 in the case of university uses, but by logical extension all protections for neighboring properties contained in any of the eighty-eight provisions for special exception uses found throughout the Zoning Regulations. It would be standardless regulation.

2. Square 54 is the largest developable parcel available for university uses within the campus boundaries, but dedicates none of the proposed development to university uses. Any university use located on Square 54 would relieve development pressure on the rest of the campus, foot for foot, and proportionately reduce impacts on the co-located neighborhood. In the proceedings on the current campus plan, the BZA accepted that Square 54 could be used for a range of uses, not limited to university uses, but also accepted GWU's assurances that it would be able to accommodate its university functions within the remaining FAR under the limit of Section 210.3. Instead, this proposal would place more massing on Square 54 than GWU has remaining under the limit of Section 210.3 (870,000 sq ft versus 837,000 sq ft remaining), while satisfying none of the university's education-related needs, and without counting any of the massing against the FAR limit.
3. This is a site-specific set of plans for a massive set of buildings at a location previously found to be at the allowable limit for air quality. There are undoubtedly other environmental problems that will need to be addressed as well. Law and logic require that they be addressed before years and millions of dollars are spent fine-tuning plans and seeking regulatory approvals, so that problems can be addressed at a stage when there is maximum flexibility in avoiding or mitigating them. ANC 2A joins the motion filed in this case by the Foggy Bottom Association on these issues.
4. The traffic study submitted by the applicant is not credible. Several key intersections are already at Level of Service F. Applicants' projection that traffic will grow little as a result of this project is dubious, particularly if their assurance of a new vibrant retail strip extending from the Metro to 20<sup>th</sup> Street is to be believed. Their assumption that overall traffic in the area will grow by only 0.5% per year contrasts with other analysis which assumes 1.0% per year. For the reasons developed by the Foggy Bottom Association in Cases 06-11 and 06-12 and to be elaborated in this case, the Zoning Commission should reject the findings of the applicant's study, and require a credible showing of no likelihood of objectionable impact.
5. The amenities offered by the applicant, even if delivered as promised, do not begin to meet even the requirements of Section 2403.3 that impacts to the surrounding area be "favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project." Many of those listed relate to other applications, or reflect existing legal obligations of GWU. The most prominently emphasized amenity, neighborhood retail including a grocery store, is perhaps the least likely to be delivered. Nearby retail, at 2000 Penn, the Watergate, and the Ritz, has struggled over the past several years. Grocery chains have not committed to the location, and Trader Joe's has just opened. The below-grade location, size, configuration, and limited parking associated with the

**ZC 06-27, Consolidated Approval of a PUD and a PUD-Related Amendment** Page 3

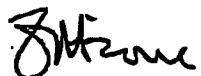
grocery space also create hurdles. If the Zoning Commission views the promised retail spaces as true amenities, it should condition approval of the PUD on firm letters of intent, not conditioned on anything but approval of the PUD.

The ANC reserves the right to revise and supplement the bases of its protest as the applicants and other parties make their submissions.

I will serve as the Commission's representative in this matter. Commissioner Michael Thomas is also authorized to represent ANC 2A in my absence. Please feel free to contact me on (202) 607-8429 or by email at [anc2a@earthlink.net](mailto:anc2a@earthlink.net) for additional information. Commissioner Thomas may be reached on (202) 997-8654 or by email on [mthomas.anc2a02@earthlink.net](mailto:mthomas.anc2a02@earthlink.net). Cornish F. Hitchcock, Esq. will assist with legal matters.

**ON BEHALF OF THE COMMISSION:**

Sincerely,



Vince Micone  
Chairperson

cc: Applicants